

REMARKS

Pending Claims

Claims 20-26 and 28-47 are pending in this application. Claims 20 and 32 have been amended. No new matter has been added.

Claim Rejections under 35 U.S.C. §112

Claims 32-36 and 47 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 has been amended to provide antecedent support for the recited limitation “the image capture unit” in the second-to-last line of the claim. Accordingly, the rejection of the claim should be withdrawn.

Claim Rejections under 35 U.S.C. §§102 and 103

Claims 20, 32, 44-45 and 47 have been rejected under 35 U.S.C. §102(b) as being anticipated by Miura et al., U.S. Publication No. 2002/0028004.

Claims 21, 33 and 46 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miura et al., U.S. Publication No. 2002/0028004.

Claims 23 and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miura et al., U.S. Publication No. 2002/0028004 in view of Kono et al., U.S. Publication No. 2002/0048014. Claims 22 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miura et al., U.S. Publication No. 2002/0028004 in view of Nakayama et al.,

U.S. Design Patent No. 382,862. Claims 24 and 35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miura et al., U.S. Publication No. 2002/0028004 in view of Fujimoto et al., U.S. Patent No. 5,177,802.

Applicants request reconsideration of the rejections for the following reasons.

Claim 20 has been amended to incorporate a limitation of allowable claim 37. In particular, Claim 20 has been amended to set forth that the processing unit causes the two light sources to irradiate the light alternately, and causes said single image capture unit to capture a plurality of images at a timing of the irradiation of the light sources, wherein the processing unit extracts a feature of a vein pattern of the finger from the plurality of images captured by said single image capture unit due to said light irradiated by said two light sources and executes personal identification using the extracted feature. The Examiner states on Page 3 of the outstanding Office Action that "claim 37 overcomes Miura because the claim now denotes that the images are captured by 'said' single image capture unit -- this indicates that there is only one image capture unit that captures the images alternately irradiated by light from both sides of a finger." By this reasoning, claim 20 as amended herein, should also be found to be allowable over Miura and the remainder of the art of record.

In an Interview by Telephone with the Examiner on December 14, 2006, the rejection of claim 32 was discussed in comparison with the allowance of claim 25. It was discussed that the rejection of claim 32 is correct, however the Examiner recognized that the Office Action sets forth the language of claim 25 (an apparatus claim) in place of the language of claim 32 on pages 5 and 6 of the Action. It was further discussed why claim 32 was rejected and claim 25

was allowed. The Examiner explained that claim 25 includes an image capture unit that is positively recited in the claim, whereas claim 32 includes the image capture unit in the last line of the claim without proper antecedent basis for the recitation, hence the rejection under 35 U.S.C. § 112, second paragraph. Accordingly, the Examiner recommended amending claim 32 in the manner set forth herein. Applicants request reconsideration of the rejection of claim 32 under 35 U.S.C. § 102(b) as being anticipated by Miura for the reasons of record and in view of the amendment made to the claim.

Applicants have studied the remainder of the applied art and note that Kono, Nakayama and Fujimoto are deficient with respect to showing the claimed aspects of the present invention as set forth in the independent claims. Accordingly, the combined teachings of Miura, Kono, Nakayama and Fujimoto in the manner suggested by the Examiner in the Office Action fail to teach or suggest the claimed combination of the present invention as set forth in the pending claims. Accordingly, reconsideration and withdrawal of the 35 USC § 103(a) rejections of claims 21-24, 33-36, 44-45 and 47, which are all dependent claims, as being unpatentable over Miura in combination with at least one of Kono, Nakayama and Fujimoto is respectfully requested.

Interview Summary Record

The substance of the Telephonic Interview with the Examiner on December 14, 2006 is set forth in the foregoing remarks regarding the request for reconsideration of the rejection of claim 32.

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Allowable Subject Matter

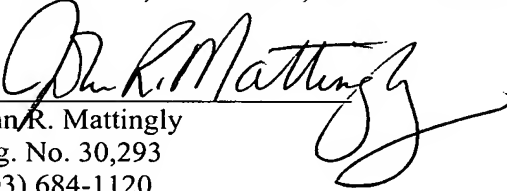
Applicants thank the Examiner for the allowance of claims 25-26, 28-31, 37-43 and 45.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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